

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on March 11, 2020, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

P	D. Dwayne Tuggle	P	Kenneth G. Bunch
A	Rachel A. Carton	P	Sarah B. Ogden
P	Kenneth S. Watts	P	Janice N. Wheaton

Also present were the following staff members:

Sara E. Carter	Town Manager	Gary Williams	Director of Plants
W. Thomas Berry	Town Attorney	Becky L. Cash	Lead Water Operator
Vicki K. Hunt	Clerk of Council	Charles Thompson	Utilities Maintenance Foreman
Robert A. Shiflett, II	Chief of Police	Gary P. Smith, Jr.	WWTP Operator
		Fred W. Adams	WWTP Operator Apprentice

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Charles Thompson.

Town Manager Carter gave a brief report on proposed amendment to Chapter 4. Art. II. of the Town Code referring to dogs and cats that addresses dogs running at large, a requirement for dogs to be leashed or under the control of a responsible person, and dogs urinating and defecating on public or private property, as recommended by the Community Relations Committee.

Mayor Tuggle opened a duly advertised public hearing at 7:04 PM on proposed amendment to Chapter 4. Art. II. of the Town Code referring to dogs and cats, allowing the addition of sections for running at large, leash law, unlawful to allow dogs to urinate or defecate on public or private property; exception, and violation of article.

Debbie Shrader, Sunset Drive, Amherst, VA, came forward in opposition only to that portion of the proposed amendment referring to dogs “knowingly or willfully allow the dog to urinate on the private property of other persons without the consent of such persons.”

There being no one else present who wished to speak on the matter, the public hearing closed at 7:05 PM.

Chief Shiflett and members of the Amherst County Sheriff’s Office were present to answer questions.

Mr. Watts made a motion that was seconded by Ms. Ogden that the proposed amendment to Chapter 4. Art. II of the Town Code referring to dogs and cats allowing the addition of sections for running at large, leash law, unlawful to allow dogs to urinate or defecate on public or private property; exception, and violation of article be revised to delete any references to “urinate,” and to defer the matter for further discussion to the April 8, 2020, meeting. After discussion, the motion carried 4-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

There being no one listed to speak on the citizen comment sign-in sheet, no comments were made.

Mr. Bunch made a motion that was seconded by Mr. Watts to approve the minutes from the February 12, 2020, meeting as presented. There being no discussion, the motion carried 4-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

Mr. Watts, on behalf of the Finance Committee, and Town Manager Carter gave a brief report on VCCA grant funding for FY21. Upon recommendation to award Second Stage \$2,750 in the coming fiscal year from the Finance Committee and staff, Town Council voted 4-0 to approve grant funding for FY21 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

After a brief report by Town Manager Carter, Ms. Ogden made a motion that was seconded by Mr. Bunch to hold a public hearing at its next meeting on April 8, 2020, to receive comments on the Town’s FY20/21 Capital Improvement Program that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment. There being no discussion, the motion carried 4-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

After a brief report by Town Manager Carter, Mr. Bunch made a motion that was seconded by Mr. Watts to hold a public hearing at its next meeting on April 8, 2020, on the proposed FY20/21 Town budget. There being no discussion, the motion carried 4-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

After a brief report by Town Manager Carter, Mr. Watts made a motion that was seconded by Ms. Ogden to approved a Resolution in Affirmation of the Oath of Office and Regarding a Comment to Respect, Preserve, Uphold and Enforce the Second Amendment (US Constitution) and Art. 1, §13 (VA Constitution). There being no discussion, the motion carried 4-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

A copy of the Resolution is attached to and made a part of these minutes.

By consensus of Council action on the proposed amendment to the Town’s Comprehensive Plan to change the designated land use for Tax Map parcels 96-4-A and 96-1-1-7, totaling 76+/- acres from Planned Development-Residential to Agricultural to allow a request for a conservation easement by Dave

McCormack, Owner, Lazy River LTD, that would, if approved by Town Council, allow land between the developed portion of the Mill Race subdivision and the Amherst Milling Company to be changed from planned development areas to conservation and would allow Mr. McCormick to complete a conservation easement process for the property was deferred to the April 8, 2020, meeting, as requested by Mr. McCormick and recommended by staff.

Town Manager Carter gave a report on changes to the USDA funding package for the sewer sliplining project. There being no discussion, upon recommendation from the Utility Committee and staff to accept the USDA tentative offer of an additional loan amount of \$397,000, Town Council voted 3-1 to authorize Town Manager to proceed with necessary process to obtain USDA offer as presented, as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Nay

Mr. Watts made a motion that was seconded by Mr. Bunch, to set a public hearing on April 8, 2020, to adopt a resolution authorizing the issuance and sale by the Town of Amherst of its General Obligation Sewer Revenue Bond, as recommended by staff. There being no discussion, the motion carried 4-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Absent	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

There being no one listed to speak on the citizen comment sign-in sheet, no comments were made.

There being no further business, the meeting adjourned until April 8, 2020, at 7:00 pm on motion by Ms. Ogden seconded by Mr. Bunch at 7:53 PM.

 D. Dwayne Tuggle
 Mayor

Attest: _____
 Clerk of Council

**A RESOLUTION IN AFFIRMATION OF THE OATH OF
OFFICE AND REGARDING A COMMITMENT TO RESPECT,
PRESERVE, UPHOLD, AND ENFORCE THE SECOND
AMENDMENT (US CONSTITUTION) AND ART. 1, § 13 (VA
CONSTITUTION)**

WHEREAS, the Code of Virginia (1950), as amended, § 15.2-1522 provides that every elected Town officer, unless otherwise provided by law, on or before the day on which his term of office begins, shall qualify by taking the oath prescribed by § 49-1;

WHEREAS, the Code of Virginia (1950), as amended, § 49-1 prescribes the Oath of Office of the members of the Town Council of the Town of Amherst, Virginia, as follows: I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as an elected member of the Town Council according to the best of my ability, so help me God;

WHEREAS, the Constitution of the United States at Amendment II expressly states that “a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”;

WHEREAS, the Constitution of Virginia at Article I, § 13 expressly states “that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore the right of the people to keep and bear arms shall not be infringed”;

WHEREAS, there is concern that unconstitutional legislation, which infringes upon the rights of the citizens to keep and bear arms under the Constitutions of the Commonwealth of Virginia (Article 1, § 13) and the United States (Amendment II), or which has the tendency to infringe upon or place any additional burdens on the right of law-abiding citizens to bear arms, may be introduced in the legislative sessions of the General Assembly of the Commonwealth of Virginia and/or the United States Congress; and,

WHEREAS, there is concern that unconstitutional or unlawful executive and administrative action or enactments, which infringe upon the rights of the citizens under the Constitutions of the Commonwealth of Virginia (Article 1, § 13) and the United States (Amendment II), or which have the tendency to infringe upon or place any additional burdens on the right of law-abiding citizens to bear arms, are being considered by the Governor of the Commonwealth of Virginia and/or the offices and agencies under his control.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the Town of Amherst, meeting in regular session this 11th day of March, 2020:

1. As a body collective, the Council hereby affirms the Oath of Office pursuant to the Code of Virginia (1950), as amended, § 49-1 committing to support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and to faithfully and impartially discharge all the duties incumbent upon the Council to the best of its ability;
2. The Town Council expresses its commitment by any and all legal means to Respect, Preserve, Uphold, and Enforce the Second Amendment of the Constitution of the United States and Article 1, § 13 of the Constitution of the Commonwealth of Virginia to the fullest extent permitted by law¹;
3. The Town Council urges the Virginia General Assembly, the United States Congress, and all agencies of the Commonwealth of Virginia and the United States Government vigilantly to preserve, uphold, and protect the rights of the citizens to keep and bear arms under the Constitutions of the Commonwealth of Virginia (Article 1, § 13) and the United States (Amendment II) by rejecting any law, regulation, or administrative action that may infringe, have the tendency to infringe, or place any additional burdens on the right of law-abiding citizens to bear arms;
4. The Town Council expresses its commitment to oppose unconstitutional and unlawful legislation and proposed restrictions that infringe upon the right of its citizens to keep and bear arms, or which have the tendency to infringe upon or place any additional burdens on the right of law-abiding citizens to bear arms, through any and all legal means, as may be expedient, including without limitation, court action;
5. The Town Council directs staff to forward a copy of this Resolution to the Town's elected representatives in the Virginia General Assembly and the United States Congress, and to the Governor of Virginia; and,
6. The Town Council hereby declares the Town of Amherst, Virginia a "Constitutional Town".

¹ Nothing herein this Resolution is intended to declare any intent or effectuate any act, present or prospective, by the Council or any Town officer or employee in contravention of law, including but not limited to Va. Code Ann., §15.2-915.

BY ORDER OF COUNCIL

D. Dwayne Tuggle, Mayor

ATTEST:

Vicki Hunt, Town Clerk